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Security Council

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Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya

Note verbale dated 23 June 2011 from the Permanent Mission of Finland to the United Nations addressed to the Chair of the Committee*

The Permanent Mission of Finland to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1970 (2011), and, referring to paragraph 25 of Security Council resolution 1970 (2011), has the honour to communicate the following information concerning the implementation of the United Nations sanctions against Libya in Finland:

Measures adopted by the European Union

On 28 February 2011, the European Union adopted Council decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya. The Council decision sets out the basis for European Union-level implementation of all the measures contained in Security Council resolution 1970 (2011). The Council decision also provides the basis for additional European Union measures in view of the situation in Libya.

Council decision 2011/137/CFSP includes provisions on the embargo on arms and related materiel, the embargo on equipment which might be used for internal repression, the requirement to provide prior information on cargoes to and from Libya, restrictions on admission of listed natural persons as well as provisions on freezing of the funds and economic resources of listed persons, entities and bodies.

The Council decision was later amended by Council decision 2011/178/CFSP by adding a ban on flights in the airspace of Libya, a ban on flights of Libyan aircraft in the airspace of the European Union and a requirement that nationals of European Union member States, persons subject to their jurisdiction and firms incorporated in their territories or subject to their jurisdiction should exercise vigilance when doing business with Libyan entities.

The lists of persons, entities and bodies subject to the restrictive measures have been amended by Council implementation decision 2011/236/CFSP of 12 April

* Received on 24 April 2012.

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2011, Council implementation decision 2011/300/CFSP of 23 May 2011 and Council implementation decision 2011/345/CFSP of 16 June 2011.

In addition to the Council decision, the Council of the European Union adopted on 2 March 2011 Council regulation (EU) No. 204/2011 concerning restrictive measures in view of the situation in Libya. The Council regulation includes implementing provisions on those of the above measures falling within the scope of the Treaty on the Functioning of the European Union. Council regulations are binding in their entirety and directly applicable in all European Union member States.

National implementing measures

At the national level, sanctions are imposed by virtue of the Act on the Enforcement of Certain Obligations of Finland as a Member of the United Nations and of the European Union ("Sanctions Act", No. 659/1967). The Sanctions Act, together with the Penal Code (No. 39/1889), provides for penalties and forfeitures to be imposed for violations of Council sanctions regulations. According to chapter 46, section 1 (11), of the Penal Code, a person who violates or attempts to violate a regulatory provision in a sanctions regulation shall be sentenced for a regulation offence to a fine or to imprisonment for at most four years.

The arms embargoes imposed by the Security Council and the European Union are implemented at the national level by virtue of the Act on the Export and Transit of Defence Materiel (Act No. 242/1990, as amended by Acts 197/1995, 893/2001, 385/2002 and 900/2002). According to the Act, the export, transit or brokerage of defence materiel is subject to specific authorization (export and brokerage licence). A licence to export or broker shall not be granted if it jeopardizes Finland's security or is inconsistent with Finland's foreign policy. The General Guidelines for Export, Transit and Brokerage of Defence Materiel adopted by the Government (No. 1000/2002), as amended by Government decision 101/2003, provide that economic sanctions and arms embargoes imposed by the Security Council or by the European Union shall be complied with when granting an export licence or licence for the trans-shipment of defence materiel.

According to section 7 of the Act on the Export and Transit of Defence Materiel, a person who commits an export offence shall be fined or imprisoned for a maximum period of four years.